

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 9th day of September, 2009 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Phillip Hyatt, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Mike Sullinger, Interim City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief
Bill Haines, Asst. Police Chief/Harbormaster
Paul Alvarado, Public Works Director
Rickie Kilgore, Fire Chief

OTHERS PRESENT: David Underbrink/Naismith Engineering, Ralph & Lu Arcemont, Brenda Burr/Progress Newspaper, Josie & Mike Torres, Marilyn Rimer/Herald Newspaper, Rosemary Vega/Chamber of Commerce, Don Brummett, Lupe Torres, Michael Cary/Progress Newspaper, Jim & Alpha Covington, JoAnn Biek, Patty Gilden, Rosemary Upton, Brookelynn Gilden, Gina & Jason Gilden, Rene Runcon, Jessica Torres, Laura Welborn

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on September 9, 2009.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSIDER AND ACT ON APPROVING THE MINUTES OF AUGUST 17, AUGUST 20 AND AUGUST 31, 2009.

Council Member Mayer made the motion to approve the minutes of August 17, August 20 and August 31, 2009. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

ITEM 5. CONSIDER AND ACT ON THE REQUEST OF JASON GILDEN TO LEASE PROPERTY AT 553 S. SAUNDERS TO THE CITY OF ARANSAS PASS TO BE USED BY THE 2ND CHANCE BOXING CLUB, A 501-C3 ORGANIZATION, PURSUANT TO A FORTHCOMING LEASE.

Mayor Knight gave a short history of the 2nd Chance Boxing Club, established in 2005. He stated the City had agreed to furnish all utilities (water, sewer and electric) for the Club when permission was given to use the City’s building in Conn Brown Harbor for the youth club. He stated the Club charges no fees or dues to the young people who participate in the training offered by the Club. He stated Mr. Gilden had told him the Club could not survive if he had to pay the utilities for the organization; the only income came from donations.

Mayor Knight asked the City Attorney Allen Lawrence could the City just transfer the utilities to the new address on S. Saunders Street?

The City Attorney stated it could probably be done with a contract, but there would have to be some kind of consideration. He stated he understood Mr. Gilden would make his facility available to City Fire and Police personnel. He stated the City could make a contract with Mr. Gilden to provide the facilities to the City personnel (in exchange for utilities).

Interim City Manager Mike Sullinger stated it was his understanding the Mr. Gilden wanted the City to furnish the water and sewer taps, and pay the water, sewer and electric bills. He stated Mr. Gilden would furnish the facilities to City Fire and Police Departments at their convenience.

Discussion was held regarding leasing the property to the City versus a contract between Mr. Gilden’s organization (Conquering Life, Inc dba 2nd Chance Boxing Club) and the City. The utility costs for the boxing club were discussed.

Mayor Pro Tem Attaway stated Mr. Gilden had done a tremendous job with the young people in the boxing club, giving them a purpose, keeping them off the streets, keeping them out trouble and keeping them in school.

Jason Gilden spoke for his request, stating the boxing club gave the young people somewhere to go after school. He stated they had 21 State Champions in four years and not one of the members of the boxing club had been in trouble.

A contract with the boxing club was discussed.

No action taken.

ITEM 4. **CONSIDER AND ACT ON APPROVAL OF AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS AUTHORIZING THE ISSUANCE OF “CITY OF ARANSAS PASS, TEXAS TAX NOTES, SERIES 2009”, LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE OBLIGATIONS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE OBLIGATIONS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Sullinger stated the City had the money in reserve to purchase the equipment that the Tax Notes would pay for, but on advice of Mark McLiney, financial counsel for the City, the Tax Notes were being brought before the Council.

Ryan Cunningham with Southwest Securities discussed the purpose and use of the Tax Notes. He stated it was a four-year note at 3% interest.

Discussion followed regarding the planned expenditures for a seawall closure (sea gate), trucks, lift station repairs, wood chipper and mulcher.

Mayor Pro Tem Attaway made the motion to approve an Ordinance by the City Council of the City of Aransas Pass, Texas authorizing the issuance of “City of Aransas Pass, Texas Tax Notes, Series 2009”, levying an annual ad valorem tax, within the obligations; Prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the obligations; Authorizing the execution of a paying agent/registrar agreement and a purchase and investment letter; Complying with the requirements of the letter of representations previously executed with the depository trust company; and Providing an effective date. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 6. **CONSIDER AND ACT ON THE INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT AND THE CITY OF ARANSAS PASS, TEXAS RELATING TO THE FURNISHING OF SECRETARIAL, RECORD KEEPING AND BOOKKEEPING SERVICES BY THE CITY OF ARANSAS PASS TO THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT.**

City Attorney Allen Lawrence stated the agreement was the same as the City’s contract with the Aransas Pass Municipal Development District regarding secretarial services.

Council Member Mayer made the motion to approve the Interlocal Cooperative Agreement between the Aransas Pass Crime Control and Prevention District and the City of Aransas Pass, Texas relating to the furnishing of secretarial, record keeping and bookkeeping services by the City of Aransas Pass to the Aransas Pass Crime Control and Prevention District. Council Member Abrego seconded the motion and the motion carried unanimously.

Item 7 was tabled at the July 20, 2009 City Council meeting. A motion to untable this item is necessary.

ITEM 7. CONSIDER AND ACT ON BIDS AND SELECTION OF OFFICIAL NEWSPAPER OF THE CITY OF ARANSAS PASS.

Mayor Pro Tem Attaway made the motion to untable Item 7. Council Member Mayer seconded the motion and the motion carried unanimously.

Discussion was held regarding comparison of the bids from the Aransas Pass Progress and the Herald Newspaper.

Council Member Mayer made the motion to select the Aransas Pass Progress as the Official Newspaper of the City of Aransas Pass. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 8. CONSIDER AND ACT ON APPROVAL OF A BUDGET AMENDMENT REGARDING THE HARBOR FUND AND WATER & SEWER FUND.

Discussion was held on additional expenditures from the Harbor Fund and Water & Sewer Fund for environmental cleanup on the former JBS Shrimp lease property (Harbor Fund) and the engineering expenses for the proposed annexation.

Council Member Mayer made the motion to approve a budget amendment regarding the Harbor Fund and Water & Sewer Fund. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

ITEM 9. CONSIDER AND ACT ON INCREASING CONN BROWN HARBOR LEASES BY 10%.

Mayor Knight stated the 10% increase in Harbor leases was figured into the City's (2009-2010) budget.

Council Member Abrego made the motion to increase Conn Brown Harbor leases by 10%. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 10. CITY MANAGER'S REPORT ON MEETING WITH SAN PATRICIO COUNTY TAX COLLECTOR DAHLIA SANCHEZ AND TAX ATTORNEYS.

Mr. Sullinger stated he and Finance Director Sandy Roddel had met with San Patricio County Tax Assessor Collector Dalia Sanchez and Tax Attorney Robert Cuevas regarding collection of delinquent property taxes. He stated year-to-date the City had collected 94% of property taxes for this year, as opposed to 92% collections for the previous year. He stated there would be one more mailing to collect delinquent taxes so the percentage might increase. He stated the Tax Attorneys had hired more personnel for tax collections. He stated the Tax Attorneys would be filing more foreclosures in September. He stated the Tax Attorneys had \$147,000.00 in accounts that had not been collected this year. He stated publishing delinquent taxpayers names in the local newspaper did not increase collections and probably would not be worth the cost to publish again.

ITEM 11. CITIZENS' COMMENTS.

There were none.

ITEM 12. ADJOURNMENT OF MEETING.

Mayor Pro Tem Attaway made the motion to adjourn the meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 7:30 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary